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United States Department of Agriculture.

INTERSTATE COMMERCE IN BIRDS AND GAME.

U. S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., August 23, 1902.

In order to secure a more general observance of the act of May 25, 1900, entitled "An act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," the Department invites attention to the provisions of the Federal and State laws relating to shipment of birds and game. These laws are intended to preserve for the common good certain animals and birds that are valuable as food, for sport, or as destroyers of pests. They are generally supported by public sentiment but are frequently violated through ignorance, as comparatively few persons realize the rapid increase in protective legislation or the numerous restrictions which have been imposed on the trade in game. Sportsmen, market hunters, game dealers, commission merchants, railroad and express agents, and all other persons concerned should familiarize themselves so far as possible with the regulations now in force. Copies of State laws may be obtained from fish and game wardens or secretaries of state, and a summary of the Federal, State, and county laws (published as Farmers' Bulletin No. 160) may be had on application to this Department. The most important provisions of the various laws may be briefly stated as follows:

(1) *Shipment*.—It is unlawful for any person to deliver to any common carrier for transportation from one State or Territory to another, or for any common carrier or consignee knowingly to receive any wild animals or birds killed in violation of local laws. This prohibition applies not only to game killed out of season but to that captured in an illegal manner (by traps, nets, etc.), or for illegal purposes, as, in some States, for sale or shipment.

(2) *Packages must be marked*.—Every package containing game or birds, or any parts thereof, when shipped by interstate commerce, must bear a statement of the contents and the shipper's name plainly marked on the outside. Inattention to these details renders the shipper liable not only to loss of his game, but also to heavy penalties for evasions of the law.

(3) *Evasions*.—Shipping game in trunks, butter boxes, or egg cases; concealing it among other goods; marking it 'butter,'

'dressed poultry,' or 'household goods;' addressing it with a tag made specially to hide the shipper's name and statement of contents; or resorting to any other device to conceal the nature of the shipment—are all evasions of the law and subject the shipper to the same penalties as for its direct violation. False marking of packages is treated as a serious offense under some State laws and is punishable by special penalties.

(4) *Special restrictions*.—Four-fifths of all the States and Territories prohibit export of deer at any season; all those in which quail occur, except three in the South, prohibit export of these birds at all seasons; and practically every State where prairie chickens are found prohibits their export. As a result of these restrictions, it is almost impossible in the West to ship quail or prairie chickens to market outside of the State without violating some law.

(5) *Western game*.—All the States and Territories west of the Mississippi River except six prohibit export of all game protected by local laws. Of the six exceptions, Louisiana and Texas prohibit export of all game except a few birds, while Arkansas, Missouri, Montana, and Wyoming either prohibit export of certain species or practically cut off export trade in game by means of other restrictions. Eastern dealers in ordering or receiving such game from these States encourage direct violations of local laws and may render themselves liable to the penalties provided for violating the Federal law.

(6) *Alaska game*.—Under the act of June 7, 1902, the shipment from Alaska of any hides or carcasses of deer, moose, mountain sheep, mountain goats, or parts thereof, or any wild birds, or parts thereof, is prohibited at all times. Trophies, specimens for scientific purposes, and live game may, however, be shipped under permit from the Secretary of Agriculture.

(7) *Game for propagation*.—States which prohibit export of dead game frequently allow shipment of live birds intended solely for propagation, in some cases under permit from State authorities. Persons contemplating shipment of live birds should inform themselves fully as to all local regulations. No permits for the shipment of game from one State to another are issued by this Department.

(8) *Game for private use*.—Some States, especially those which issue nonresident hunting licenses, permit sportsmen to carry a limited amount of game out of the State for private use. In some cases this game must be tagged, carried openly, and accompanied by the owner. To insure safe transit of game, careful attention should be paid to such local regulations.

(9) *Insectivorous birds*.—Robins, swallows, cedar birds, meadow-larks, flickers, night hawks or bull bats, and a few other insectivorous species, as well as such birds as longspurs, snow buntings, and shore larks, which are useful in destroying seeds of weeds, are

occasionally killed as game. They are, however, generally protected, and under no circumstances should they be sent to market or shipped out of the State.

(10) *Birds for millinery purposes*.—Statutes even more stringent than those protecting game birds have recently been enacted by many States for the preservation of birds which are not included in the game list. Under these statutes birds which are in demand for millinery purposes are protected throughout the year, and sale and possession, as well as killing, are prohibited. It should be remembered that the principal centers for millinery supplies are nearly all located in States which have such laws, and the purchase of native song birds, as well as of herons, pelicans, gulls, terns or sea swallows, grebes, or other plume birds, should be avoided. The shipment of these birds or any part of their plumage is prohibited by the provisions of the Federal law. Ostrich feathers are not subject to these restrictions and their use should be encouraged.

James Wilson

Secretary.

